

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ANDREW MILLER,

Plaintiff,

v.

CV 10-171 WJ/LFG

DUGGERS TOW YARD, et al,

Defendants.

**PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Court held a settlement conference in this case on July 11, 2012, in Santa Fe New Mexico. (Doc. 179). Mr. Miller and the City of Albuquerque reached a settlement agreement whereby the City will pay \$40,000 into the constructive trust set up by the Court. The parties agreed that up to \$3,100 would be paid to Mr. Miller to reimburse him for any costs in the prosecution of this case.

Pursuant to my request, Mr. Miller provided me with certain invoice. It appears that he spent \$1,667.67 for transcript fees and \$1,491.93 for attorney fees, photos and copying expenses. Paul Cash, counsel for the City of Albuquerque, has stated that he concurs with my assessment and recommendation.

I recommend that this Court approve the settlement reached by the parties in this matter. The City of Albuquerque shall pay \$40,000 into the constructive trust and, from that amount, Mr. Miller will be reimbursed up to \$3,100 for his expenses.



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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE

**THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE** of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen day period if that party wants to have appellate review of the Proposed Findings and Recommended Disposition. If no objections are filed, no appellate review will be allowed.**